

**ASSEMBLY BILL**

**No. 454**

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**Introduced by Assembly Member Bigelow**

February 23, 2015

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An act to amend Sections 5202, 10720.7, 10724, and 10735.2 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 454, as introduced, Bigelow. Sustainable groundwater management.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

This bill would require a high- or medium-priority basin that is not subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plan by January 31, 2023.

The act authorizes the state board to designate a high- or medium-priority basin that is not subject to critical conditions of overdraft as a probationary basin after January 31, 2025, if the determination is made that the plan is either inadequate or not being implemented in a manner that will likely achieve the sustainability goal and the basin is in a

condition where groundwater extractions result in significant depletions of interconnected surface water.

This bill would change that date to January 31, 2026.

The act authorizes the state board to designate a basin as a probationary basin if after June 30, 2017, there is not a groundwater sustainability agency or coordinated groundwater sustainability agencies for an entire high- or medium- priority basin, and no local agency has submitted an alternative.

This bill would change that date to June 30, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5202 of the Water Code is amended to  
2 read:

3 5202. (a) This section applies to a person who does either of  
4 the following:

5 (1) Extracts groundwater from a probationary basin 90 days or  
6 more after the board designates the basin as a probationary basin  
7 pursuant to Section 10735.2.

8 (2) Extracts groundwater on or after July 1, ~~2017~~, 2018, in an  
9 area within a basin that is not within the management area of a  
10 groundwater sustainability agency and where the county does not  
11 assume responsibility to be the groundwater sustainability agency,  
12 as provided in subdivision (b) of Section 10724.

13 (b) Except as provided in subdivision (c), a person subject to  
14 this section shall file a report of groundwater extraction by  
15 December 15 of each year for extractions made in the preceding  
16 water year.

17 (c) Unless reporting is required pursuant to paragraph (2) of  
18 subdivision (c) of Section 10735.2, this section does not apply to  
19 any of the following:

20 (1) An extraction by a de minimis extractor.

21 (2) An extraction excluded from reporting pursuant to paragraph  
22 (1) of subdivision (c) of Section 10735.2.

23 (3) An extraction reported pursuant to Part 5 (commencing with  
24 Section 4999).

25 (4) An extraction that is included in annual reports filed with a  
26 court or the board by a watermaster appointed by a court or

1 pursuant to statute to administer a final judgment determining  
2 rights to water. The reports shall identify the persons who have  
3 extracted water and give the general place of use and the quantity  
4 of water that has been extracted from each source.

5 (d) Except as provided in Section 5209, the report shall be filed  
6 with the board.

7 (e) The report may be filed by the person extracting water or  
8 on that person's behalf by an agency that person designates and  
9 that maintains a record of the water extracted.

10 (f) Each report shall be accompanied by the fee imposed  
11 pursuant to Section 1529.5.

12 SEC. 2. Section 10720.7 of the Water Code is amended to read:

13 10720.7. (a) (1) By January 31, 2020, all basins designated  
14 as high- or medium-priority basins by the department that have  
15 been designated in Bulletin 118, as may be updated or revised on  
16 or before January 1, 2017, as basins that are subject to critical  
17 conditions of overdraft shall be managed under a groundwater  
18 sustainability plan or coordinated groundwater sustainability plans  
19 pursuant to this part.

20 (2) By January 31, ~~2022~~, 2023, all basins designated as high-  
21 or medium-priority basins by the department that are not subject  
22 to paragraph (1) shall be managed under a groundwater  
23 sustainability plan or coordinated groundwater sustainability plans  
24 pursuant to this part.

25 (b) The Legislature encourages and authorizes basins designated  
26 as low- and very low priority basins by the department to be  
27 managed under groundwater sustainability plans pursuant to this  
28 part. Chapter 11 (commencing with Section 10735) does not apply  
29 to a basin designated as a low- or very low priority basin.

30 SEC. 3. Section 10724 of the Water Code is amended to read:

31 10724. (a) In the event that there is an area within a basin that  
32 is not within the management area of a groundwater sustainability  
33 agency, the county within which that unmanaged area lies will be  
34 presumed to be the groundwater sustainability agency for that area.

35 (b) A county described in subdivision (a) shall provide  
36 notification to the department pursuant to Section 10723.8 unless  
37 the county notifies the department that it will not be the  
38 groundwater sustainability agency for the area. Extractions of  
39 groundwater made on or after July 1, ~~2017~~, 2018, in that area shall  
40 be subject to reporting in accordance with Part 5.2 (commencing

1 with Section 5200) of Division 2 if the county does either of the  
2 following:

3 (1) Notifies the department that it will not be the groundwater  
4 sustainability agency for an area.

5 (2) Fails to provide notification to the department pursuant to  
6 Section 10723.8 for an area on or before June 30, ~~2017~~. 2018.

7 SEC. 4. Section 10735.2 of the Water Code is amended to read:

8 10735.2. (a) The board, after notice and a public hearing, may  
9 designate a basin as a probationary basin, if the board finds one  
10 or more of the following applies to the basin:

11 (1) After June 30, ~~2017~~, 2018, none of the following have  
12 occurred:

13 (A) A local agency has elected to be a groundwater  
14 sustainability agency that intends to develop a groundwater  
15 sustainability plan for the entire basin.

16 (B) A collection of local agencies has formed a groundwater  
17 sustainability agency or prepared agreements to develop one or  
18 more groundwater sustainability plans that will collectively serve  
19 as a groundwater sustainability plan for the entire basin.

20 (C) A local agency has submitted an alternative that has been  
21 approved or is pending approval pursuant to Section 10733.6. If  
22 the department disapproves an alternative pursuant to Section  
23 10733.6, the board shall not act under this paragraph until at least  
24 180 days after the department disapproved the alternative.

25 (2) The basin is subject to paragraph (1) of subdivision (a) of  
26 Section 10720.7, and after January 31, 2020, none of the following  
27 have occurred:

28 (A) A groundwater sustainability agency has adopted a  
29 groundwater sustainability plan for the entire basin.

30 (B) A collection of local agencies has adopted groundwater  
31 sustainability plans that collectively serve as a groundwater  
32 sustainability plan for the entire basin.

33 (C) The department has approved an alternative pursuant to  
34 Section 10733.6.

35 (3) The basin is subject to paragraph (1) of subdivision (a) of  
36 Section 10720.7 and after January 31, 2020, the department, in  
37 consultation with the board, determines that a groundwater  
38 sustainability plan is inadequate or that the groundwater  
39 sustainability program is not being implemented in a manner that  
40 will likely achieve the sustainability goal.

(4) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and after January 31, ~~2022~~, 2023, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(5) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and either of the following have occurred:

(A) After January 31, ~~2022~~, 2023, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition of long-term overdraft.

(B) After January 31, ~~2025~~, 2026, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters.

(b) In making the findings associated with paragraph (3) or (5) of subdivision (a), the department and board may rely on periodic assessments the department has prepared pursuant to Chapter 10 (commencing with Section 10733). The board may request that the department conduct additional assessments utilizing the regulations developed pursuant to Chapter 10 (commencing with Section 10733) and make determinations pursuant to this section. The board shall post on its Internet Web site and provide at least 30 days for the public to comment on any determinations provided by the department pursuant to this subdivision.

1 (c) (1) The determination may exclude a class or category of  
2 extractions from the requirement for reporting pursuant to Part 5.2  
3 (commencing with Section 5200) of Division 2 if those extractions  
4 are subject to a local plan or program that adequately manages  
5 groundwater within the portion of the basin to which that plan or  
6 program applies, or if those extractions are likely to have a minimal  
7 impact on basin withdrawals.

8 (2) The determination may require reporting of a class or  
9 category of extractions that would otherwise be exempt from  
10 reporting pursuant to paragraph (1) of subdivision (c) of Section  
11 5202 if those extractions are likely to have a substantial impact on  
12 basin withdrawals or requiring reporting of those extractions is  
13 reasonably necessary to obtain information for purposes of this  
14 chapter.

15 (3) The determination may establish requirements for  
16 information required to be included in reports of groundwater  
17 extraction, for installation of measuring devices, or for use of a  
18 methodology, measuring device, or both, pursuant to Part 5.2  
19 (commencing with Section 5200) of Division 2.

20 (4) The determination may modify the water year or reporting  
21 date for a report of groundwater extraction pursuant to Section  
22 5202.

23 (d) If the board finds that litigation challenging the formation  
24 of a groundwater sustainability agency prevented its formation  
25 before July 1, ~~2017~~, 2018, pursuant to paragraph (1) of subdivision  
26 (a) or prevented a groundwater sustainability program from being  
27 implemented in a manner likely to achieve the sustainability goal  
28 pursuant to paragraph (3), (4), or (5) of subdivision (a), the board  
29 shall not designate a basin as a probationary basin for a period of  
30 time equal to the delay caused by the litigation.

31 (e) The board shall exclude from probationary status any portion  
32 of a basin for which a groundwater sustainability agency  
33 demonstrates compliance with the sustainability goal.